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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,348	02/20/2001	Paul Kunisch	0112740-153	4690

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EXAMINER

HAROLD, JEFFEREY F

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,348

Applicant(s)

KUNISCH, PAUL

Examiner

Jefferey F Harold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 3 and 4 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claim 3*** is rejected under 35 U.S.C. 102(e) as being anticipated by Amrany et al., (United States Patent 6,192,109), hereinafter referenced as Amrany.

Regarding **claim 3**, Amrany discloses a process for optimizing transmission properties and power loss of analog front end circuitry (100), which reads on claimed 'high voltage part', integrated in a subscriber line circuit for connecting a subscriber line, within a digital telephone exchange, the process consisting of: amplifying and supplying to the subscriber line, in the high voltage part and in a direction toward the subscriber line, both telephone signals and data signals, wherein the telephone signals are situated in a frequency band above that provided for speech and can be transmitted at a high rate, as disclosed at column 5, line 48 through column 6, line 52 and exhibited in figures 2 and 3;

measuring both telephone signals, situated with the frequency band provided for speech and coming from the subscriber line, and data signals, situated in a frequency band above that provided for speech and coming from subscriber line, for purposes of

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further processing, as disclosed at column 6, line 53 through column 7, line 46 and exhibited in figures 3 and 4;

setting sources, which are integrated in the high voltage part and which supply current to units present in the high voltage pad, the current determining operating point settings of the units, for one of multiplying and measuring the telephone and data signals, no later than when the data signals are received in the high voltage pad, to current values which are higher than current values for exclusive transmission of the telephone signals situated within the frequency band provided for speech, wherein the data signals within the high voltage pad are transmitted with a high bandwidth substantially without distortion, and the power loss of the high voltage pad is optimized, as disclosed at column 6, line 52 through column 9, line 34 and exhibited in figures 4-6.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Amrany in view of well know prior art (MPEP 2144.03).

Regarding **claim 4**, Amrany disclose everything claimed, as applied above, (see claim 3), however, Amrany fails to disclose supplying, via the current sources, each of the units present in the high voltage part only with current required for quiescent

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operation of the units if neither data signals nor telephone signals are being transmitted in the high voltage part. However, the examiner takes official notice of the fact that it was well known in the art to provide supplying, via the current sources, each of the units present in the high voltage part only with current required for quiescent operation of the units if neither data signals nor telephone signals are being transmitted in the high voltage part.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amrany by specifically providing supplying, via the current sources, each of the units present in the high voltage part only with current required for quiescent operation of the units if neither data signals nor telephone signals are being transmitted in the high voltage part, for the purpose of conserving energy used to power the system.

Response to Arguments

3. Applicant's arguments dated June 22, 2004 have been fully considered but they are not persuasive. Specifically the direction of the data does not overcome the cited reference. Further, the information is always sent to and from, therefore the addition of the limitation "and coming from subscriber line" is not discerning whom the sender or receiver is.

Allowable Subject Matter

4. The indicated allowability of claim 4 is withdrawn in view of the above cited rejection.

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferey F Harold whose telephone number is 703-306-5836. The examiner can normally be reached on Monday - Friday 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JFH
October 14, 2004



Jefferey F Harold
Examiner
Art Unit 2644